
March 7, 2012

Dear House Education Committee Members:

The Presidents' Council, State Universities of Michigan wishes to express its opposition to HB 5040.

The public universities of Michigan have a strong commitment to offering top-notch academic programs and to ensuring the religious freedom of their students. Sadly, under the name of religious freedom, HB 5040 severely jeopardizes the accreditation – and thus the integrity – of the academic programs of all of Michigan's institutions of higher education, both public and private, both universities and community colleges.

HB 5040 is targeted at three academic programs offered by many of our universities: psychology, counseling, and social work. Students enrolled in these programs typically enroll in a practicum course, which is akin to an internship in which the student provides counseling to real-life clients in a clinic under the supervision of a faculty member who is a licensed counselor. Obviously, this real-life counseling experience is an important and mandatory part of the academic curriculum.

HB 5040 would give students enrolled in these programs a blanket right to refuse to counsel any client – regardless of that client's race, sex, religion, national origin, or other protected characteristic – as long as the student claims a religious or moral exemption. In other words, this legislation would give students the right to refuse to complete an academic assignment and the right to discriminate against a client based on that client's protected class. Obviously this is unworkable from both a legal and academic standpoint.

From a legal standpoint, HB 5040 contradicts the Elliott-Larsen Civil Rights Act. If a student – under the guise of this legislation – refuses to provide counseling to an African-American client based on a moral objection, such conduct would likely violate the Elliott-Larsen Civil Rights Act, but would be permissible under HB 5040.

From an academic standpoint, the accreditation – and therefore academic integrity – of the social work, psychology, and counseling programs in Michigan's colleges and universities would be at risk. For example, administrative rules promulgated by the Michigan Bureau of Health Professions govern graduate counseling programs. R 338.1751 and 1753 provides that professional counseling graduate programs – the type of program targeted by this legislation – must teach students to “understand and apply” the counseling profession's code of ethics and must teach a practicum course.

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Ferris State University
Grand Valley State University
Lake Superior State University
Michigan State University
Michigan Technological University
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Similarly, R 390.1301, under the State Department of Education, defines an “approved school counseling program” as a program that is accredited and that teaches, among other things, practicum.

The accreditation in referred to in these rules comes from the Council for Accreditation of Counseling and Related Educational Programs, known as CACREP. In order to be accredited by CACREP, a counseling program must teach the profession’s code of ethics, which in this case prohibits discrimination against clients based on a variety of protected classes, including race, sex, sexual orientation, national origin, and religion. HB 5040 – by permitting students to ignore these codes of ethics – would therefore force Michigan’s public and private colleges and universities to not enforce the codes of ethics for the very professions the students have chosen to enter. It is for this reason, among others, that accreditation could easily be lost for all of the covered professional programs taught at Michigan’s public and private schools.

In summary, HB 5040 defies the standards set by the Bureau of Health Professions and Department of Education, is inconsistent with the Elliott-Larsen Civil Rights Act, and jeopardizes the accreditation – and thus the academic excellence – of every public and private college and university in the State of Michigan. Moreover, HB 5040 would give students enrolled in Michigan’s higher education system a blank opt-out provision to refuse to complete an academic assignment. From an academic standpoint, this is simply unworkable.

Others have testified and likely will testify about other problems with this legislation. My goal here today is to simply show that from an academic standpoint, HB 5040 is not workable. This legislation is unnecessary and should be rejected.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Boulus". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael A. Boulus
Executive Director